



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 11, 2006, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Xavier Garcia (arrived at 7:03 p.m.)
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
Chief of Police H. Randall Dilling
Finance Director William Alonso
Human Resources Director Loretta M. Boucher
Interim Public Services Director Robert T. Williams
Elderly Services Director Karen L. Rosson
City Planner Richard E. Ventura
City Clerk Magalí Valls

Chief of Police H. Randall Dilling requested that everyone rise and remain standing for a short ceremony in honor and memory of 2,800 firefighters, law enforcement officers, military personnel and civilians who died five years ago today. The Honor Guard presented the colors.

2. Invocation: Vice Mayor Garcia offered the invocation.

Salute to the Flag: The audience participated.

Miami Springs Senior High School student Heather Velazquez sang the National Anthem.

3. Awards & Presentations:

3A) Officer of the Month Award – August 2006 – Officer Harry Mayer

Chief of Police Dilling presented the Officer of the Month Award for August 2006 to Detective Harry Mayer who has been employed by the City for seventeen years, with fourteen of those years as a criminal investigator.

Chief Dilling summarized Detective Mayer's most recent cases which are examples of Detective Mayer's fine work in the Miami Springs Police Department.

Detective Mayer introduced his wife Kathy, son Matthew and daughter Amanda.

4. Open Forum:

Basin 14 Drainage Project

Roslyn Buckner of 970 Plover Avenue stated that the residents requested a new project oversight manager from Post, Buckley, Schuh and Jernigan, Inc. and the replacement person was there for approximately three days and was replaced again by Mr. Ahmed. She asked why Mr. Ahmed was allowed to come back when he could not do the job in the first place.

Ms. Buckner asked if the tests were conducted because there were two cave-ins.

City Manager Borgmann said that the original plan for testing would have required digging holes in the brand new street. The Administration is looking into radar/sonar technology, which looks through the ground to see where voids are to determine if it can be used in this case.

Ms. Buckner stated that it was originally a 300-day project, and now she understands her swale area will be ripped up again. She asked how many more days before the project would be finished.

City Manager Borgmann said that he could not give a definite completion time because the swales that are not draining properly must be checked. He explained that the City is retaining 10% of the contractor's fee until the issues are resolved.

MR106 Plan

Dona Kelley of 830 Swan Avenue stated that she was asked to read a letter from former City Manager Maria Davis that was addressed to Council and copied to various City Administrators.

“Dear Mayor and Council members, the August 17, 2006 River Cities Gazette Article Council gives IRS \$109,000 payment, there were various erroneous statements made by Mr. Chet Fields. I wrote a letter to the Gazette Editor in response to the article and requested that it be published. I learned today, (August 31, 2006) that for whatever reason, the Gazette Editor chose not to publish my response to the article.

Since you are the sitting City Council, I feel that it is appropriate for you to receive accurate information. Therefore, I have attached a letter that I sent to the Gazette, which accurately sets the record straight. If you have any questions, please do not hesitate to contact me.”

Ms. Kelley read the letter that Ms. Davis sent to the Gazette clarifying that the MR 106 insurance plan encompasses the City’s cost for the complete health insurance program. AFLAC was a voluntary supplemental program paid for by the employees that had nothing to do with the MR 106 plan.

Photo Identification Cards

Betty Du Bois of 1025 Hunting Lodge Drive asked if the City of Miami Springs could issue the senior citizens a photo identification card.

Shuttle Bus

Betty Du Bois would like the City to provide transportation service for senior citizens.

Organizational Chart

Betty Du Bois asked the reason why the City needed more administrative departments.

City Manager Borgmann explained that some departments were renamed and the City Charter requires Council approval for these changes. He clarified that the Golf Department is the only new department.

Parking

Betty Du Bois said that some homeowners are parking cars on the grass in the front yards, which should be enforced by Code Compliance.

Vice Mayor Garcia requested an agenda item for the next meeting in reference to parking in the Downtown area.

Political Signs

Nery Owens of 332 Payne Drive reminded Vice Mayor Garcia that he took an oath of office when he became Councilman to uphold the laws of the United States, the State of Florida, Metro-Dade County and the City of Miami Springs. She said that it is not fair to become vigilantes by removing posters from private property and that if Council has issues that they should be brought to the attention of the City Manager who calls the appropriate department to solve the issues.

Merit and COLA Increase

Nery Owens asked Council to consider the merit and cost of living adjustment (COLA) increases for the City employees who are hardworking and deserve the increases.

Noise

Judy Karpis of 1170 Quail Avenue stated that she had copies of police reports beginning April 14, 2004 until the present year regarding the noise generated by the residents behind her. She has made numerous complaints about a band that was rehearsing and playing loud music, the ambient noise comes into the air vents, walls and underneath the crawl space of her house.

Ms. Karpis urged Council to update the current noise ordinance so that it can be enforced.

5. Approval of Council Minutes:

5A) 08/21/2006 – Workshop Meeting

Minutes of the August 21, 2006 Workshop Meeting were approved as amended.

Councilman Dotson moved to approve and Vice Mayor Garcia seconded the motion, which was carried 5-0 on roll call vote.

5B) 08/28/2006 – Regular Meeting

Minutes of the August 28, 2006 Regular Meeting were approved as written.

Councilman Best moved to approve and Councilman Dotson seconded the motion, which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 09/06/2006 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the September 6, 2006 Zoning and Planning Board meeting was received for information without comment.

6B) 09/06/2006 – Approval of Actions Taken by the Board of Adjustment at their Meeting of September 6, 2006, Subject to the 10-Day Appeal Period

Actions taken by the Board of Adjustment at their meeting of September 6, 2006 were approved subject to the 10-day appeal period.

Councilman Dotson moved to approve the actions of the Board of Adjustment and Councilman Best seconded the motion which carried unanimously on roll call vote.

7. Public Hearings:

<p>Council sat as the Board of Appeals. The Mayor reconvened the City Council meeting at 9:25 p.m. after a 5-minute recess.</p>

7A) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 30-01, Establishment of Administrative Departments; by Officially Establishing Additional City Administrative Departments; Correcting the Names of Existing Departments; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 8/28/2006 – Advertised: 9/1/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second reading and public hearing and nothing was changed since the first reading.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Garcia moved to adopt the ordinance and Councilman Dotson seconded the motion which carried 5-0 on roll call vote (Ordinance No. 941-2006).

7B) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 30-02, Functions of the Departments; by Providing Descriptions of the Functions of the Newly Established Administrative Departments of the City; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 8/28/2006 – Advertised: 9/1/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the ordinance provides the descriptions of the newly established departments in Section 30-01.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Garcia moved to adopt the ordinance and Councilman Best seconded the motion which carried 5-0 on roll call vote (Ordinance No. 942-2006).

7C) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Adopting Miami-Dade County Code Article XIV. Adult Group Homes, which Includes Code Sections 21-251 Through 21-254; for Applicability and Enforcement Within the City; Providing for Adoption of all Future Amendments of the Article or Code Sections; Authorizing Methods of Enforcement; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 8/28/2006 – Advertised: 9/1/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that there were no changes to the ordinance since the first reading.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Garcia moved to adopt the ordinance and Councilman Best seconded the motion which carried 5-0 on roll call vote (Ordinance No. 943-2006).

7D) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002(C)(38), Definitions – Floor Area; to Provide a More Detailed Description of the “Attic Space” Subsection Set Forth in Section 150-002(C)(38); Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 8/28/2006 – Advertised: 9/1/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that no changes were made since the first reading of the ordinance.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Garcia moved to adopt the ordinance and Councilman Youngs seconded the motion which carried 5-0 on roll call vote (Ordinance No. 944-2006).

7E) Decision Regarding Unresolved Budget Issues:

Finance Director William Alonso stated that an additional adjustment was made to the budget for merit increases of approximately \$24,681 that will bring the fund balance up to \$187,000 from the \$162,000 reported at the previous meeting. He explained that merit increases were calculated from October 1st through September 30th and after reviewing each employee's anniversary date, he calculated the amount based on the period from the anniversary date to September 30th.

Councilman Dotson inquired about the merit increase for the Public Works maintenance worker crew leader position that is vacant.

Mr. Alonso stated that it is a vacant position that could be filled within the next week and the employee would be eligible for a merit increase in September 2007.

Councilman Dotson said that it looks like a 10% increase.

City Manager Borgmann explained that in this type of situation the position could be filled in-house as a promotion and that person would be eligible for a merit increase.

Mr. Alonso stated that originally the amount was \$3,619, which was an error and the actual amount is \$2,280. The total projection of \$39,804 is based on \$2,280.

Human Resources Director Loretta Boucher explained that the position was vacant and an employee working in another classification was given additional duties to cover the position until October 1st.

Councilman Dotson said that the amount for the merit increase should be adjusted.

Finance Director clarified that the adjustment would increase the fund balance to \$187,900.

7.E.a. Purchase of \$117,000 Trash Crane for the Sanitation Department

Councilman Youngs moved to approve and Vice Mayor Garcia seconded the motion.

Councilman Dotson asked to have discussion in the context of his request, which was a tax cut. When voting on the individual items, it gives Council a chance to consider whether or not to vote to spend more money that was not spent on an object or service last year, or whether or not to opt for a tax cut.

Councilman Dotson said that the City of Miami Beach was used as a comparison with reference to payroll as a percent of total expenses. He asked to consider the fact that Miami Beach has given their people a 4/10 mill tax cut this year and a \$300.00 check to all their residents who have homestead exemption. He stated that the Administration is doing everything it can to prevent a meaningful tax cut and he presented a list of new expenditures that could be cut.

Councilman Dotson stated that the Administration earmarked every nickel that was available for some spending project so they announced through their deeds that they wanted no tax cut. They recommended a minor millage rate cut to 7.7153 but it does not come to a break even point if the homeowner experiences a 3% increase in the property assessment and essentially there is no tax cut.

Councilman Dotson said that now it is time for Council to discuss what the new millage rate should be. Council has the opportunity to decide how much of the tax collections will be spent on new projects or how much will be refunded to the people by cutting taxes. This should be done before the public hearing on the budget resolution.

Councilman Best stated that he did not know if a significant tax cut would be possible based on what Council has to work with. He said that when considering the agenda items, there is no question which one he will vote for and against. In effect, he supports Councilman Dotson in his wish to keep spending down and he agrees that it is not absolutely necessary to spend \$117,000 for an additional trash crane; however, the employees should receive COLA and merit increases.

Councilman Youngs asked how \$117,000 would translate into terms of a millage reduction.

Councilman Dotson clarified that he did not propose to cut any salaries in order to get a tax cut. His discussion about the merit raises, longevity and other items was for the purpose of exploring the possibility of having another approach to budgeting or allowing some employees who are “maxed out” to get a merit increase. He wanted to do this by trying to change the way the budget is prepared and when he asked for a tax cut, he considered those expenditures that he thought would permit a tax cut.

Councilman Dotson said that \$100,000 is proposed for the hiring of a lobbyist/public information officer/grant writer, which might have its merit, but right now a tax cut has more merit. \$100,000 for paving part of the median on Curtiss Parkway to make a parking lot was moved into the Road and Transportation Fund. \$60,000 is proposed for a new roof for the gym, which is a decision that must go with renovating or rebuilding the gym, and right now the most obvious decision is to renovate the gym.

Councilman Dotson said that funds are available from the bond issue for renovating the gym and it would cover the roof expenses of \$60,000. He does not want to put a new roof on something that is going to be demolished or abandoned.

Vice Mayor Garcia stated that previous Councils had pledged to do something about the recreation facility and this has not happened. He felt that Council is moving forward but the roof is leaking, which is unacceptable.

Councilman Dotson said that in his judgment the \$60,000 could be part of the renovation project but there are no numbers available. He felt that \$15,000 for a trailerable fuel tank for generators is a luxury and although it would be nice to have, it is not a necessity.

Mayor Bain stated that the motion for the trash crane was on the table and he would like Council to make a decision.

Councilman Dotson continued his discussion by saying that there is a \$25,000 increase in the City Planner’s budget for Professional Services, which is beyond the City’s needs. There is a total of \$426,000 that would permit a reasonable tax cut and that is what he would vote for.

Councilman Youngs said that the vote on the resolution setting the millage rate would hinge on whether or not Council approves the purchase for the trash crane. He is curious to know the economic effect of this particular item.

Vice Mayor Garcia stated that Interim Public Services Director Williams placed the trash crane at the top of the priority list. He said that the Public Works employees are responsible for picking up the debris and when the trash crane is down they must manually put the debris in the back of trucks.

Vice Mayor Garcia said that no one is against a tax cut, but \$117,000 is not a large number when divided by the 4,000 households and the majority of the residents would want the extra trash crane. He is not willing to compromise the quality of life in Miami Springs or the employee COLA and merit increases.

The motion failed 2-3 on roll call vote with Mayor Bain, Councilman Best, and Councilman Dotson voting “no” and Vice Mayor Garcia and Councilman Youngs voting “aye”.

7.E.b. COLA and Merit Increases for General Employees

Mayor Bain asked Council if they wanted to discuss or change the proposed budget for COLA and merit increases.

Councilman Best said that he was satisfied with the information provided by the Finance Director.

Councilman Youngs stated that Councilman Dotson raised some concerns about the increases exceeding 8.7%, but that he is satisfied that there are no increases over that percentage.

Councilman Dotson clarified that he had no intention to do anything that would hurt longevity. He was trying to get some reasoning and understanding out of the budget workbook for COLA, merit and longevity increases. Then he was told that the starting and ending numbers were not correct because longevity should not be included. He understands that longevity is a one-time payment that is paid on an employee's anniversary date.

Councilman Dotson stated that his only problem with longevity is that the department heads and assistant department heads receive longevity and it should not be part of their pay considerations. Many years ago, all employees were civil service and he understands that longevity is something defined in the civil service regulations.

Human Resources Director Loretta Boucher said that a Resolution was adopted in 1986 approving a longevity payment of \$250.00 for 20-year employees, including all full-time personnel not covered by a collective bargaining organization.

Councilman Dotson said that research would also indicate that in 1980 through 1985, a Police Chief was removed from his job with the idea that he was not a civil service employee and after five years they found out he was still under civil service status and he won court cases awarding back pay and benefits totaling approximately \$500,000. He understands that civil service status does not apply to the Police Department, City Manager, City Clerk or Human Resources Director.

City Manager Borgmann said that the Police Chief that Councilman Dotson referred to was in fact a civil service employee. He clarified that the City Manager and City Clerk serve at the will of Council and all other Department Heads serve at the will of the City Manager.

Human Resources Director Boucher stated that last year the City Council approved a longevity increase for the General employees, and not the exempt employees.

Councilman Dotson felt that the civil services employees are entitled to longevity increases and that is why Council voted to increase the amount last year. He still has reservations about longevity for the management but it is part of the Code.

Councilman Best moved to approve the COLA increased as proposed in the budget and Vice Mayor Garcia seconded the motion, which carried 5-0 on roll call vote.

Mayor Bain stated that the pay scale should be adjusted in the future in order to be fair to the employees and citizens and discussion should begin prior to the budget process.

City Manager Borgmann said that a new pay and benefit system could be set for new hires, which the City of Miami Beach did for their executive pension plan.

Vice Mayor Garcia stated that everyone wants to reduce taxes and consideration should be given to finding ways to bring more revenue into the city.

Mayor Bain said that the \$117,000 for the crane could be removed from the budget to reduce the millage rate and he would like the funds to be placed in the contingency for the Recreation Department.

Finance Director Alonso stated that a reduction of \$111,000 would reduce the millage to 7.6 and that would leave \$194,000 to increase in fund balance, which could be applied to recreation. Combined with the Golf Course debt, the total millage would be 7.99, which is the first time the millage would be under 8.00 mills since 1998.

Vice Mayor Garcia moved to lower the millage rate to 7.6 mills and to place \$194,000 in the Contingency Fund to be added to the Recreation reserve fund of \$225,000. Councilman Best seconded the motion.

Councilman Dotson wanted the millage rate to be lowered to 7.5. He listed all the items that could be set aside for the tax cut.

Councilman Dotson said that \$336,000 is proposed to be spent or was spent at the Golf Course this year, but he always felt that when the Golf Course situation improved, the savings should be used to reduce taxes because the \$3.6MM that subsidized the Golf Course for the last eight years mostly came from tax increases and now that the Golf Course is managed properly, the savings should be considered available for a tax cut.

Councilman Dotson calculated that the savings should be more than \$200,000 by cutting the grant writer, which is not a necessary expenditure.

Mayor Bain said that the \$100,000 is not specifically for hiring a grant writer and the funds are budgeted in case someone writes a grant for the City.

City Manager Borgmann explained that Council requested funds for a grant writer.

Councilman Dotson clarified that he was excluded from the request, but City Manager Borgmann explained that the other four Council members were very much in favor. He added that a consultant or lobbyist could be hired but they would not have a desk at City Hall.

Mayor Bain added that there are many talented people in Miami Springs who could offer their services and the funds would be available to pay them.

City Manager Borgmann explained that he receives proposals from grant writers who want to work for the City and grant writing is a very specialized field. One person might specialize in writing educational grants and others are specialized in recreation grants. He said that when looking for funding for the gym, that the City would hire a consultant that specializes in recreation related grants who is aware of what is required at the state and federal levels.

Councilman Youngs added that he would like to reduce the millage to 7.5 mills if it would only require cutting an additional \$96,000.

Finance Director Alonso stated that cutting \$111,000 would reduce the millage rate to 7.6 and 7.5 would require a total of \$208,000, which is approximately \$97,000 more.

Councilman Youngs said that 7.5 mills would be a significant reduction and perhaps Council could reduce the budget by cutting another \$97,000.

Councilman Dotson felt that the funds earmarked for the grant writer or parking lot would probably have to be cut.

Councilman Youngs expressed his concern about the cash reserve balance, which is under the amount that the State of Florida recommends for similar size cities. He said that the risk in not having the reserve is serious because the funds might be needed for hurricanes or other catastrophes. When the taxable values increase, funds should be added to the reserve.

Mayor Bain stated that Council worked to reduce the budget and he is proposing to lower the millage rate to 7.6 and put the funds into contingency for recreation.

Mayor Bain added that \$1.7MM was spent outside of last year's budget because of hurricane expenses, the subsidy for the Golf Course Food and Beverage, the City Hall project, the recreation restrooms, improving the greens at the Golf Course, and the purchase of two generators.

To answer Councilman Dotson's question, Mr. Alonso stated that the balance in the hurricane contingency fund for the proposed budget is \$500,000 and there is still \$225,000 in the contingency in the current budget.

Councilman Dotson believed that funds could be cut to reduce the millage by another 1/10 of a mill.

Councilman Best felt that the Mayor's proposal to reduce the millage to 7.6 is a reasonable compromise. He said that the number one goal is to get the Recreation Center back in order and setting aside funding for this purpose makes sense.

To answer Councilman Youngs' question, Mr. Alonso clarified that the budget would show an increase in fund balance of \$194,000 and in October when funds are reserved for different projects, the Mayor wants to take the \$194,000 to increase the \$225,000 that is already included for Recreation.

Councilman Youngs explained that he would vote against the motion, with the idea that Council could cut another \$96,800 in order to reduce the millage rate to 7.5.

Councilman Dotson said that whatever decision is made about the gym, it would involve the funds from the bond fund plus financing and he would like to wait to make a decision about the reserve.

Vice Mayor Garcia restated his motion to set the millage rate at 7.6 mills and the \$194,000 would go into the fund balance for determination at a later date. Councilman Best seconded the restated motion, which on roll call vote carried 3-2 with Councilman Dotson and Councilman Youngs casting the dissenting votes.

Vice Mayor Garcia was of the opinion that funds should be set aside every year for future capital improvement projects.

Councilman Dotson stated that there should be a plan in place before discussing funding. Items were included in the budget that were never voted on and the City Manager said that it was because Council requested them, but he was not involved in any vote for the grant writer or parking lot on Curtiss Parkway. He said that if there is a comprehensive plan for the Gym in existence right now that he has not yet seen it.

City Manager Borgmann stated that the plan provided a lot of detail, and one of the best companies estimated \$8MM for the gym and \$2MM for the pool so he came back with an estimate of \$10MM to \$12MM.

Mayor Bain felt that the City has a plan in place and the park restrooms are part of it. Locating funds for the renovation of the gym is part of the plan and Council is making strides forward in Recreation that had not been done before.

Councilman Dotson reiterated that he does not have a copy of the plan. He said that the various steps in planning do not result in a complete plan upon which Council should be making decisions to spend \$20MM over twenty years.

Mayor Bain clarified that no one ever said \$20MM.

Councilman Dotson said that City Manager Borgmann estimated \$20MM was needed including financing, but City Manager Borgmann stated that he never estimated \$20MM and that his plan showed a \$10-\$12MM project.

Councilman Dotson said that Mr. Borgmann had a very incomplete plan by saying \$10MM to \$12MM. He stated that Council had not done their due diligence to come to a point in order to tell the City Manager to go out for a Request for Proposals (RFP).

Councilman Dotson stated that what is developed so far is insufficient for making a decision to spend millions of dollars and he does not want to get into a discussion about a plan because if there is a plan, he does not have a copy.

Councilman Best commended the Administration for providing additional data. He does not feel that there is a plan yet but Council is moving in the direction of developing one, which will take some time.

Vice Mayor Garcia said that Council has a vision, not a structured plan, which is what previous Council's have lacked in his opinion, perhaps because of the price tag. He felt that the Recreation facility is a necessity that the people want and sometimes Council has to make tough decisions to spend \$10MM or \$12MM.

Councilman Dotson stated that he wants to get the tax rate down because of the fact that there could be a \$50,000 homestead exemption coming up that will cause a lot of money to leave the treasury. He would like the City to be in a position to raise taxes without reaching the maximum.

Councilman Dotson said that before giving consideration to building a new gym that he would like the City to be in a better financial position. He felt that Council had worked hard on a budget that will be beneficial for everyone involved.

Councilman Youngs stated that he appreciates the discussion because Council does not have a chance to talk except during the public meetings.

7F. Consideration of Budget for Fiscal Year 2006-2007:

7.F.a. Resolution – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2006-2007 Budget; Confirming Date, Time and Place of Final Public Hearing

City Attorney Jan K. Seiden read the resolution in its entirety.

Mayor Bain opened the public hearing to those persons wishing to speak, there were no speakers and the public hearing was closed.

Vice Mayor Garcia moved to adopt the resolution and Councilman Youngs seconded the motion which carried 5-0 on roll call vote (Resolution No. 2006-3324).

7.F.b. Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Charging of Base Fees for Water and Sewer Services for all Residential and Commercial Properties in the City; Inclusion of all Individually Metered Condominium Units Inside the City and Within the City's Service Area Within the Base Fee Payment Requirement; Approval of New Base Fees for Water and Sewer Services for Condominium and Rental Units Located in Single Metered Buildings and for Duplexes and Three Unit Buildings Located in the City; Extension of the Base Fee Payment Requirement to Condominium and Rental Units in Single Metered Buildings and for Duplexes and Three Unit Buildings Serviced by the City Outside of the City's Corporate Limits; Approval and Ratification of New Schedule of Rates, Fees and Charges, Effective Date

Vice Mayor Garcia asked the Administration to clarify that the notice of increase was properly advertised.

Finance Director Alonso stated that a notice was advertised in the edition of the River Cities Gazette that is distributed to all houses and in the Miami Daily Business Review.

City Attorney Jan K. Seiden read the resolution by title.

City Attorney Seiden stated that the rates were passed and later repealed and the Finance Director went back and made adjustments so the rate is fair. He reviewed the exhibits explaining the utility charges.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers and the public hearing was closed.

Councilman Dotson noted that the gallonage rates were the same for single meter multi-unit buildings and separately metered residential and commercial units. He asked if a study was done to determine how often the rates exceeded 15,000 gallons for the multi-unit condos and apartment buildings.

Mr. Alonso clarified that the majority of the multi-unit buildings exceed 15,000 because the average gallonage for an apartment dweller is 4,000 gallons per month.

Councilman Dotson said that a large complex would pay the highest rate plus the individual units would be charged a base fee equal to what a single-family home would be paying.

Mr. Alonso explained that the rate was based on duplex, four-unit, ten-units, fifteen-units and up to 70 units. He calculated what each apartment would pay on an average and compared it to the average residential bill.

Mayor Bain said that the solution to the problem would be for the County to take over the system.

Councilman Youngs asked if Council is in favor or opposed to the proposed resolution.

Councilman Best felt that the new rates are fairer than what was originally proposed.

Councilman Dotson said that he would like more clarification so that he feels confident that the rates are fair.

Councilman Best was of the opinion that the rates would be adequate for the present time and the City should pressure the County to take over the system.

Councilman Youngs stated that the rates were acceptable unless there is a way to “tweak” them in order to be fairer.

Vice Mayor Garcia moved to extend the meeting for 15 minutes until 11:15 p.m. Councilman Best seconded the motion which carried unanimously on voice vote.

Councilman Dotson said that his only reservation is that it is less expensive to service a one-meter customer, which should warrant a lesser charge. He felt that there probably should be a base rate, but he has talked to a lot of people who have said that they are going to get their own meters.

Finance Director Alonso stated that his calculations for 40-units show that the average unit would pay \$54.43 compared to the average resident, which is \$52.95. The only change would be the base fee that would increase from \$13.75 to \$280.00. The average unit was paying \$47.77 under the old rate, which is almost \$5.00 less than a residential home.

Councilman Youngs moved to adopt the resolution and Councilman Best seconded the motion, which carried 5-0 on roll call vote (Resolution No. 2006-3325).

7.F.c. Resolution – A Resolution of the City Council of the City of Miami Springs Establishing Rates for Collection of Garbage, Trash and Recycling for Residential and Commercial Customers Within the City of Miami Springs; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann clarified that the City does not pick up garbage and trash from multi-family buildings and a special rate is charged to apartment buildings for trash that is picked up when tenants move in and out.

Mayor Bain opened the public hearing.

Dona Kelley of 830 Swan Avenue said that the advertisement was misleading because trash service is once a week and the ad indicated that trash is picked up twice a week. She would like to increase recycling in order to reduce the dump fees.

City Attorney Seiden stated that a notation should be made on Attachment “A” of the resolution to indicate that trash service is once a week.

There were no additional speakers and the Mayor closed the public hearing.

Councilman Youngs moved to adopt the resolution and Councilman Dotson seconded the motion which carried 5-0 on roll call vote (Resolution No. 2006-3326).

(Agenda Item 9I was discussed at this time)

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for August 2006 in the Amount of \$9,603.00

There was no discussion regarding this item.

Councilman Dotson moved to approve and Councilman Best seconded the motion which carried 5-0 on roll call vote.

9. Old Business:

9A) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor's seat)

Mayor Bain **deferred** his appointment to the Ecology Board.

9B) Appointment to the Ecology Board by Councilman Youngs (Group IV) for an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson

Councilman Youngs **deferred** his appointment to the Ecology Board.

9C) Appointment to the Civil Service Board by Vice Mayor Garcia (Group III) for a Full 3-year Term Ending on June 30, 2009

Vice Mayor Garcia **deferred** his appointment to the Civil Service Board.

9D) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook's seat)

Councilman Youngs **deferred** his appointment to the Education Advisory Board.

9E) Appointment to the Code Enforcement Board by Councilman Dotson (Group II) to Fill an Unexpired Term Ending on September 30, 2008, Created by the Resignation of Walter Sharpe

Councilman Dotson **deferred** his appointment to the Code Enforcement Board.

9F) Request that Council Approve the Execution of a Contract with Design-Build InterAmerican, the Lowest Bidder from the Request for Proposals (RFP) Process, for the Design and Construction of Two Restrooms Facilities at Stafford and Dove Avenue Parks (Tabled: 8/28/06)

City Manager Borgmann stated that this is a request that Council approve the execution of a contract with Design-Build InterAmerican, the lowest bidder from the RFP process for the design and construction of two restroom facilities at Stafford and Dove Avenue Parks.

City Manager Borgmann said that Council approved financing and \$200,000 was set aside for the project this year. The lowest proposal came in at \$285,269.00, the second was \$640,000, and only two companies responded out of a total of nine packets that were sent out.

City Manager Borgmann said that since there is only \$200,000 available that Council could approve one restroom facility or they could approve both and locate the additional \$85,000.

Vice Mayor Garcia moved to continue the meeting for 15 minutes until 11:45 p.m. Councilman Best seconded the motion which carried unanimously on voice vote.

Mr. Borgmann stated that the restroom design is based on maximum use of the fields at any given time and that he would have to verify the price for only one facility and the company may not divide the cost.

Mayor Bain suggested financing the additional \$85,000.

City Attorney Seiden suggested that the Finance Director could check with the lender to ask for a future advance.

Councilman Youngs moved to approve and Councilman Best seconded the motion, which was unanimously carried on roll call vote.

Council **directed** the Administration to obtain additional financing for the project and to report back to them.

9G) Project I.C.E. – A Cell Phone Emergency Contact Program (Tabled: 8/28/06)

Vice Mayor Garcia presented information on Project I.C.E. that identifies an emergency number on cellular telephones in case someone has an accident and is unable to give information to emergency personnel.

Vice Mayor Garcia described a motorcycle accident that took place on North Royal Poinciana Boulevard when a resident checked the person's cell phone for an emergency number. He said that he would like Council to recognize those residents who responded and offered their assistance.

Vice Mayor Garcia added that more information about Project I.C.E. is available on cable channel 77.

9H) Disability Advisory Board Amended Recommendation due to One Item Previously Approved no Longer Available

City Manager Borgmann stated that one item previously approved is no longer available and the Disability Advisory Board recommended an alternative item.

Mr. Borgmann stated that the recommended purchases now total \$2,957.52 with \$2,786.88 from county funding and \$170.64 from the City.

Vice Mayor Garcia moved to approve and Councilman Best seconded the motion, which carried 4-0. (Councilman Youngs was absent at roll call).

9I) Discussion of County Requirement that the City Enter into an Agreement with them to Allow Curtiss Mansion, Inc. (CMI) to Receive \$1,000,000.00 Grant

City Manager Borgmann stated that as part of the countywide bond issue, the City qualified for the gymnasium and there are other items that are earmarked for Miami Springs, which are not under the umbrella of the City. This includes \$1MM for CMI and \$400,000+ for the Library renovation.

The City Manager asked CMI President Jo Ellen Morgan Phillips as to whether or not the City had any input in the application process.

Jo Ellen Morgan Phillips of 372 De Leon Drive stated that CMI was made aware of the grant through the City and the application was completed at that particular time. The application was presented to the City before it was sent to the County because the City owns the property.

Ms. Morgan Phillips said that the County was going to issue the contract to CMI but the way the ballot read when the residents of the County voted on the General Obligation Bonds was that if a City can receive the funds, that it would take priority over any non-profit organization. She explained that the funds would go to the City first before they are paid to CMI, and invoices would be submitted to the City with a description of what the funds were for.

Ms. Morgan Phillips stated that CMI is prepared to do the monthly accounting and the budgets would be submitted to Finance Director Alonso who would present them to the County. CMI received \$350,000 from the first bond sale and will receive \$650,000 from the next sale that would take place this month.

City Attorney Seiden said that the County has certain requirements and their attorneys would not hear of disbursing the funds any other way because the City is the owner of the property.

City Manager Borgmann stated that there were three different sets of contracts to sign that were not acceptable because it was a grant from a private organization that has a lease on the building with the City and CMI is the fund raising arm to restore the Curtiss Mansion.

To answer the Mayor's question, City Attorney Seiden explained that the City is going to be the contracting party who is responsible for the funds.

City Manager Borgmann said that the match with the Metropolitan Planning Organization (MPO) is more important because losing this grant could jeopardize the MPO grant.

Mayor Bain wanted to clarify for the record that the City's only obligation is to accept the funds and disburse them to CMI.

Vice Mayor Garcia moved to extend the meeting another 15 minutes until 11:30 p.m. and Councilman Youngs seconded the motion, which carried unanimously on voice vote.

City Attorney Seiden said that are many reporting requirements and the Finance Director would assume most of the responsibility for the finances. The only time the City could be in a forfeiture situation is if the funds are not spent or they are spent inappropriately.

To answer the City Manager's question, Attorney Seiden clarified that the City would be responsible for putting out Request for Proposals (RFP) and would follow the City's purchasing ordinances and procedures.

Councilman Dotson noted that the first page of the agreement states that the renovation project is estimated to cost \$2,122,000. He asked if this is actually the total project cost for the renovation.

Ms. Morgan Phillips stated that she originally requested \$6MM and the County reduced the amount to what it would cost to rebuild the shell and secure it from the weather.

Councilman Dotson asked Finance Director Alonso if he was satisfied with the agreement.

Attorney Seiden explained that he and Mr. Alonso had not discussed the agreement. He made a number of notes that he had not had an opportunity to review because the County keeps sending different versions. He said that Council's authorization is needed first to execute the contract, and if the contract is not acceptable, they would not go forward with it.

Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Proper Officers and Officials of the City to Execute an Agreement Between the City of Miami Springs and Miami-Dade County for the City to Receive Funding for GOB Project Number 271-70539/ Curtiss Mansion; Directions to City Clerk; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann said that a \$122,000 City contribution is included under the funding sections. He asked if the City is being credited for past expenses.

Ms. Morgan Phillips responded that all in-kind expenses are included, including the permit fees that the City is waiving.

Councilman Best moved to adopt the resolution and Vice Mayor Garcia seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2006-3327).

9J) Status Report – Interlocal Agreement with Virginia Gardens

City Attorney Seiden reported that City Manager Borgmann put in a call to the Mayor of Virginia Gardens to schedule a meeting this week. He reported that \$25,000 was collected from one account that was past due.

10. New Business:

10A) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2008 (Gene Duffy's seat)

There was no discussion regarding this item.

Councilman Best moved to re-appoint Gene Duffy. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

10B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2008 (Greg Cates' seat)

There was no discussion regarding this item.

Councilman Best moved to re-appoint Greg Cates. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

10C) Appointment to the Code Enforcement Board by Vice Mayor Garcia (Group 3) for a Full 3-Year Term Ending on September 30, 2009 (Jacqueline Martinez-Regueira's seat)

Vice Mayor Garcia **re-appointed** Jacqueline Martinez-Regueira to the Code Enforcement Board.

10D) Approval of Companion Resolution Regarding the Ordinance Adopting the Miami-Dade County Code – Adult Group Homes

Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Appendix of Civil Infraction Code Sections and Civil Penalties for Violation Appended to, and Made a part of, Code of Ordinance Section 101-01, Supplemental Code Enforcement Citation System; Directions to Codifiers; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Attorney Seiden stated that this resolution is related to the ordinance that was passed under agenda item 7C, which dealt with the adoption of the County provisions on adult group homes. This resolution is required so that there is a listing of those sections for which a citation could be issued in case the Code Compliance Officer determines they want to use that method of enforcement.

Attorney Seiden clarified that this resolution would amend the appendix to include this section which allows it to be used by Staff.

To answer Councilman Dotson's question, City Attorney Seiden explained that if abusive conditions were found, it would be beyond the City's realm and the situation would be reported to the State.

Vice Mayor Garcia moved to extend the meeting for 15 minutes until 12:00 midnight. Councilman Best seconded the motion, which carried unanimously on voice vote.

Councilman Best moved to adopt the resolution and Vice Mayor Garcia seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2006-3328).

10E) Discussion of a Request to Transfer Fire Arm Dealer License

City Planner Richard Ventura stated that Richard H. Peeples III, who has an office located at 205 Cross Street, is no longer allowed to operate his business as a licensed retail fire arms dealer in the Village of Palmetto Bay.

City Planner Ventura explained that Mr. Peeples places orders for guns on a customer specific basis, the order is received at 205 Cross Street and all firearms are delivered to the buyer on the same day of the delivery. He explained that the average number of purchases is five firearms per year.

City Planner Ventura stated that Mr. Peeples was referred to him by Code Compliance Manager Tex Ziadie who handles occupational licenses. He said that Mr. Peeples came to his office accompanied by an Alcohol Tobacco Firearms (ATF) agent and that he is in good standing with the ATF and the Florida Department of Law Enforcement (FDLE).

Richard Peeples of 7740 S. W. 178 Street, Palmetto Bay, stated that he orders sporting goods, firearms and hunting equipment for friends and family and he does not sell to people that he does not know. He said that he has all his records for the last sixteen years that have a permanent retention. The guns are received and delivered to the buyer the same day, he is not open for retail business and there will never be any guns left on the premises.

Chief of Police Dilling said that he is familiar with the process, which is a very small operation and he does not anticipate any problem with a small dealer like Mr. Peeples.

Mayor Bain asked the Chief to clarify if a different license is required for larger guns and Chief Dilling responded that the license would be entirely different. Firearms must be purchased through a licensed firearms dealer.

Mr. Peeples added that he is required to perform a background check through the FDLE for all purchases.

To answer Councilman Best's question, Mr. Peeples stated that he does not sell to the general public.

Chief of Police Dilling asked Mr. Peeples to explain his full-time occupation and he responded that he is a yacht captain and organizes fishing tournaments.

City Attorney Seiden stated that he would draft an ordinance changing the Code to allow this use with the condition that there is no storage on the premises. He requested more information about the specific type of firearms that would be allowed.

To answer Vice Mayor Garcia's question, Mr. Peebles clarified that the ATF has restrictions on the distance from schools and his office was already inspected.

Vice Mayor Garcia inquired if there are security measures in place when the ammunition and firearms are delivered.

Mr. Peebles stated that normally ammunition and firearms do not arrive at the same time because the ammunition is sent by ground and the firearms are shipped by air. He said that his office is locked, the windows are barred and when leaves his office to deliver the gun it is in a sealed shipping container.

The request to transfer the fire arm license was **approved in principle**. The City Attorney will draft an ordinance to allow this specific use.

10F) Discussion Regarding Code of Ordinances Section 99.01 – Unnecessary, excessive, or unusual noises, generally (Requested by Councilman Best)

Tabled.

MEETING ADJOURNED AT 12:00 MIDNIGHT.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 9/25/2006

Transcription assistance provided by S. Hitafer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.